

series of claims. Still Further it is applicant's belief that such a showing need only be required for one of the added claims, but since all the added independent claims removed the limitation, compliance with the agreement with Examiner Trettel was made in the Supplemental Declaration.

Reconsideration of the rejection of claims 1-100 as being based upon a defective reissue declaration is requested in view of the Supplemental Declaration filed herewith.

Reconsideration of the rejection of claims 14-100 under 35 U.S.C. 251 as being an improper recapture of claimed subject matter is requested. The Supplemental Declaration filed herewith provides a different basis for the reissue than early presented, namely:

"a clamping device for mounting a proximate end of the support to a mounting device ... and selectively ... clamping and releasing motion about said first axis" (the first axis is recited as being transverse to the longitudinal axis of the support device)

Claims in the patent were not amended to avoid any rejection by including that: (1) the clamping device mounts a proximate end of the support to a mounting device, and (2) that the clamping device having selective clamping and releasing motion about an axis transverse to the longitudinal axis of the support device. The amendment during prosecution of the patent to avoid the prior art included: simultaneously clamping and releasing motion of the support device about said first axis and about a second axis transverse to both said first axis and said longitudinal axis, said support device fixed in said clamping device from rotation about said longitudinal axis. The reason for claiming less than the applicant had a right to claim in the attached supplemental declaration is not limited to the above amendment made during the prosecution of the patent to avoid a rejection. Thus even though the language used to avoid a rejection in the patent has also been removed from the added claims, the newly added claims have additionally: dropped reference

to other and additional limitations of the patented claims and added different limitations to avoid the prior art. Such a change therefore, does not constitute an attempt to recapture claimed subject matter as set forth at 1412.02 MPEP (Reissue Claims Are Broader in Scope In Some Aspects, But Narrower In Others). Accordingly, reconsideration of this rejection is requested.

In view of the above, the application is now in condition for allowance and such is promptly requested.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees, be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (7175/65430).

Respectfully submitted,

BARNES & THORNBURG



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